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OFFICE OF PETITIONS

In re Patent No. 6,534,489
Issue Date: March 18, 2003
Application No. 09/856,789
Filed: May 25, 2001
Patentee(s): Hassan Jomaa

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on September 7, 2007, which is being treated as a petition under 37 CFR 1.378(c) to accept the delayed payment of a maintenance fee for the above-identified patent.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Further, there is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Finance records show that petitioner has submitted \$450 for the 3 ½ year maintenance fee and \$750 for the petition to revive fee under 1.137(b). Since the proper recourse for unintentional reinstatement of a patent is a petition filed under 37 CFR 1.378(c) and the

\$1,640 surcharge, the difference of \$890 will be credited towards the required surcharge. Therefore, as authorized, \$890 has been charged to petitioner's deposit account.

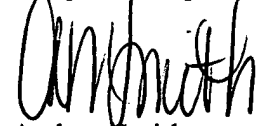
Since petitioner has demonstrated to the satisfaction of the Commissioner that the delay in timely paying the maintenance fee was unintentional, the petition under 37 CFR 1.378(c) is hereby **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Petitioner will not receive future correspondence, which **may** be mailed, regarding maintenance fees for the above-identified patent, unless a "Fee Address Indication" and/or "Request for Customer Number" forms are submitted. See Forms PTO/SB/47 and PTO/SB/125.

This patented file is being forwarded to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read 'Andrea Smith', is written over the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions